

REMARKS

In the non-final Office Action, the Examiner objects to the Declaration as defective; rejects claims 1-3, 6-10, 13-19, 21, 22, 25-30, and 32-34 under 35 U.S.C. § 102(b) as anticipated by ANDRUSKA et al. (U.S. Patent No. 5,937,035); and rejects claims 4, 5, 11, 12, 20, 23, 24, 31, 35, and 36 under 35 U.S.C. § 103(a) as unpatentable over ANDRUSKA et al. in view of KWON (U.S. Patent Application Publication No. 2003/0072300). Applicants respectfully traverse these rejections.¹

By way of the present amendment, Applicants cancel claim 30 without prejudice or disclaimer and amend claims 2, 29, 31, and 34 to improve form. No new matter has been added by way of the present amendment. Claims 1-29 and 31-36 remain pending.

Defective Declaration

The Declaration stands objected due to a defect. Applicants provide a Supplemental Declaration herewith to address the Examiner's concerns. Accordingly, Applicants respectfully request that the objection to the Declaration be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 102(b) based on ANDRUSKA et al.

Pending claims 1-3, 6-10, 13-19, 21, 22, 25-29, and 32-34 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by ANDRUSKA et al. Applicants respectfully traverse this rejection.

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. ANDRUSKA et al. does not disclose or suggest the combination of features recited in claims 1-3, 6-10, 13-19, 21, 22, 25-29, and 32-34.

For example, independent claim 1 is directed to a method for providing call pickup in a communications system including a plurality of communication stations operably coupled thereto. The method includes originating a call from a first communication station to a second communication station via a network server; alerting the second communication station of the call; storing context information pertaining to the call at a database; receiving, at the network server, at least one call pickup indication from a third communication station; responsive to the call pickup indication, obtaining, at the network server, the context information from the database; and applying the context information to establish communication between the first communication station and the third communication station. ANDRUSKA et al. does not disclose or suggest this combination of features.

For example, ANDRUSKA et al. does not disclose or suggest storing context information pertaining to the call at a database; responsive to the call pickup indication, obtaining, at the network server, the context information from the database; and applying the context information to establish communication between the first communication station and the third communication station. The Examiner relies on ANDRUSKA et al.'s disclosure of caller ID as allegedly corresponding to the recited context information and on Fig. 7 and col. 6, lines 8-26 and 54-64, of ANDRUSKA et al. for allegedly disclosing the above features of claim 1 (Office

Action, p. 2). Applicants respectfully disagree with the Examiner's interpretation of ANDRUSKA et al.

Fig. 7 of ANDRUSKA et al. discloses that an attendant at a monitoring terminal presses a call pickup button for a monitored station, which causes the call to be transferred to the monitoring terminal. Neither this figure of ANDRUSKA et al. nor the description thereof discloses or suggests storing a caller ID pertaining to the call at a database; responsive to a call pickup indication, obtaining, at a network server, the caller ID from the database; and applying the caller ID to establish communication between the first communication station and the third communication station, as would be required by ANDRUSKA et al. based on the Examiner's interpretation of claim 1. In fact, this section of ANDRUSKA et al. does not even mention a caller ID, which the Examiner specifically indicates corresponds to the recited context information.

At col. 6, lines 8-26, ANDRUSKA et al. discloses:

FIG. 7 illustrates the steps for call pick up. In this sequence a call is received in the monitoring station MP12 served by switch 2 (action block 601). At this time the monitoring station is either in the alerting state or, if it is already busy on a call, in the alerting on busy (lamp flutter, wink) state. A message is sent from switch 2 to switch 1 to update the status on the monitoring terminal (Action block 603). Switch 1 sends a message to update that terminal thus informing the attendant of the call. The attendant at the monitoring terminal decides to pick up the call and presses the call pick up button for the monitored station (Action block 605). The call pick up message is then sent from switch 1, which has received the indication via an ISDN message from the monitoring terminal, to switch 2, probably as a CCS ISUP message (Action block 607). Switch 2, upon receipt of that message, forwards the call to switch 1 and disconnects the call from the monitored terminal (action block 609). Switch 1 receives the call and connects the call to the attendant terminal (action block 611).

This section of ANDRUSKA et al., which describes Fig. 7, discloses that an attendant at a monitoring terminal decides to pick up a call to a monitored station and presses the call pick up

button for the monitored station, which causes a call pick up message to be sent from switch 1 to switch 2. Switch 2, upon receipt of that message, forwards the call to switch 1 and disconnects the call from the monitored station. Switch 1 receives the call and connects the call to the monitoring terminal. This section of ANDRUSKA et al. does not disclose or suggest storing a caller ID pertaining to the call at a database; responsive to a call pickup indication, obtaining, at a network server, the caller ID from the database; and applying the caller ID to establish communication between the first communication station and the third communication station, as would be required by ANDRUSKA et al. based on the Examiner's interpretation of claim 1. In fact, this section of ANDRUSKA et al. does not even mention a caller ID, which the Examiner specifically indicates corresponds to the recited context information.

At col. 6, lines 54-64, ANDRUSKA et al. discloses:

An attendant at a monitoring station can perform a number of control actions. These actions can also be performed in accordance with the teachings of this invention since the same types of control messages are sent from and to the control of the switch that serves the monitored station as are sent from and to the control of a switch that serves both stations in the prior art. Thus, a monitoring station can pick up a call for a monitored station, can activate automatic call forwarding for calls to the monitored station, can receive caller ID for calls to that station, can transfer calls from the monitored station to another station, can barge in on calls by....

This section of ANDRUSKA et al. discloses that an attendant at a monitoring terminal can receive caller ID for calls to a monitored station. This section of ANDRUSKA et al. does not disclose or suggest storing a caller ID pertaining to the call at a database; responsive to a call pickup indication, obtaining, at a network server, the caller ID from the database; and applying the caller ID to establish communication between the first communication station and the third communication station, as would be required by ANDRUSKA et al. based on the Examiner's

interpretation of claim 1. In fact, this section of ANDRUSKA et al. merely discloses that caller ID can be received.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by ANDRUSKA et al. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Claims 2, 3, and 6-8 depend from claim 1. Therefore, these claims are not anticipated by ANDRUSKA et al. for at least the reasons given above with respect to claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2, 3, and 6-8 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn. Moreover, these claims are not anticipated by ANDRUSKA et al. for reasons of their own.

For example, claim 2 recites determining, at the network server, whether the third communication station is eligible to receive the call; and responsive to whether the third communication station is eligible to receive the call, establishing communication between the first communication station and the third communication station. ANDRUSKA et al. does not disclose or suggest this combination of features.

For example, ANDRUSKA et al. does not disclose or suggest determining, at the network server, whether the third communication station is eligible to receive the call. The Examiner relies on col. 6, lines 8-26 and 54-64, of ANDRUSKA et al. for allegedly disclosing this feature (Office Action, p. 3). Applicants respectfully disagree with the Examiner's interpretation of ANDRUSKA et al.

Col. 6, lines 8-26, of ANDRUSKA et al. is reproduced above. This section of ANDRUSKA et al. discloses that an attendant at a monitoring terminal decides to pick up a call

to a monitored station and presses the call pick up button for the monitored station, which causes a call pick up message to be sent from switch 1 to switch 2. Switch 2, upon receipt of that message, forwards the call to switch 1 and disconnects the call from the monitored station. Switch 1 receives the call and connects the call to the monitoring terminal. It appears that the Examiner relies on ANDRUSKA et al.'s monitoring terminal as corresponding to the recited third communication station. With this interpretation in mind, this section of ANDRUSKA et al. in no way discloses or suggests determining, at a network server, whether the monitoring station is eligible to receive the call, as would be required by ANDRUSKA et al. based on the Examiner's interpretation of claim 2. Contrary to the Examiner's allegation, this section of ANDRUSKA et al. does not disclose or suggest determining whether the monitoring terminal is available or busy.

Col. 6, lines 54-64, of ANDRUSKA et al. is reproduced above. This section of ANDRUSKA et al. discloses that an attendant at a monitoring terminal can pick up a call for a monitored station, can activate automatic call forwarding for calls to the monitored station, can receive caller ID for calls to that station, can transfer calls from the monitored station to another station, and can barge in on calls. It appears that the Examiner relies on ANDRUSKA et al.'s monitoring terminal as corresponding to the recited third communication station. With this interpretation in mind, this section of ANDRUSKA et al. in no way discloses or suggests determining, at a network server, whether the monitoring station is eligible to receive the call, as would be required by ANDRUSKA et al. based on the Examiner's interpretation of claim 2. Contrary to the Examiner's allegation, this section of ANDRUSKA et al. does not disclose or suggest determining whether the monitoring terminal is available or busy.

For at least these additional reasons, Applicants submit that claim 2 is not anticipated by ANDRUSKA et al. Accordingly, Applicants respectfully request that the rejection of claim 2 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Claim 3 recites that prior to establishing communications between the first communication station and the third communication station, establishing an early media dialog between the third communication station and the network server. The Examiner relies on col. 6, lines 8-26, of ANDRUSKA et al. for allegedly disclosing this feature (Office Action, p. 3). Applicants respectfully disagree with the Examiner's interpretation of ANDRUSKA et al.

Col. 6, lines 8-26, of ANDRUSKA et al. is reproduced above. This section of ANDRUSKA et al. discloses that an attendant at a monitoring terminal decides to pick up a call to a monitored station and presses the call pick up button for the monitored station, which causes a call pick up message to be sent from switch 1 to switch 2. Switch 2, upon receipt of that message, forwards the call to switch 1 and disconnects the call from the monitored station. Switch 1 receives the call and connects the call to the monitoring terminal. This section of ANDRUSKA et al. in no way discloses or suggests that prior to establishing communications between the first communication station and the third communication station, establishing an early media dialog between the third communication station and the network server, as recited in claim 3. Instead, this section of ANDRUSKA et al. merely discloses that switch 1 connects the call to the attendant monitoring terminal.

For at least these additional reasons, Applicants submit that claim 3 is not anticipated by ANDRUSKA et al. Accordingly, Applicants respectfully request that the rejection of claim 3 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Claim 6 recites that the determining whether the third communication station is eligible to receive a call from the first communication station occurs prior to obtaining the context information. The Examiner relies on col. 6, lines 8-26, of ANDRUSKA et al. for allegedly disclosing this feature (Office Action, p. 3). Applicants respectfully disagree with the Examiner's interpretation of ANDRUSKA et al.

Col. 6, lines 8-26, of ANDRUSKA et al. is reproduced above. This section of ANDRUSKA et al. discloses that an attendant at a monitoring terminal decides to pick up a call to a monitored station and presses the call pick up button for the monitored station, which causes a call pick up message to be sent from switch 1 to switch 2. Switch 2, upon receipt of that message, forwards the call to switch 1 and disconnects the call from the monitored station. Switch 1 receives the call and connects the call to the monitoring terminal. It appears that the Examiner relies on ANDRUSKA et al.'s monitoring terminal as corresponding to the recited third communication station and on ANDRUSKA et al.'s disclosure of caller ID as corresponding to the recited context information. With this interpretation in mind, this section of ANDRUSKA et al. in no way discloses or suggests that the determining whether the monitoring station is eligible to receive a call from the first communication station occurs prior to obtaining the caller ID, as would be required by ANDRUSKA et al. based on the Examiner's interpretation of claim 6.

For at least these additional reasons, Applicants submit that claim 6 is not anticipated by ANDRUSKA et al. Accordingly, Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Independent claim 9 is directed to a method, performed by a network server, for providing call pickup in a communications system. The method includes transmitting a first message from the network server to a called party device, the first message initiating a call establishment between a calling party device and the called party device; receiving a second message at the network server from a third party device during the call establishment, the second message including a call pickup indication; canceling, via the network server, the call establishment between the calling party device and the called party device in response to the second message; establishing a dummy session between the network server and the third party device; transmitting a third message from the network server to the third party device, the third message initiating a call establishment between the calling party device and the third party device; receiving, at the network server, a fourth message from the third party device, the fourth message causing the network server to cancel the dummy session; and establishing a call between the calling party device and the third party device in response to the fourth message.

ANDRUSKA et al. does not disclose or suggest this combination of features.

For example, ANDRUSKA et al. does not disclose or suggest establishing a dummy session between the network server and the third party device. The Examiner does not specifically address this feature. Instead, the Examiner groups the rejection of claim 9 with the rejection of claim 1 (Office Action, p. 2). Applicants' claim 1 does not recite, however, the above feature of claim 9. Accordingly, a proper case of anticipation has not been established with respect to claim 9.

As indicated above, ANDRUSKA et al. discloses that an attendant at a monitoring terminal decides to pick up a call to a monitored station and presses the call pick up button for

the monitored station, which causes a call pick up message to be sent from switch 1 to switch 2. Switch 2, upon receipt of that message, forwards the call to switch 1 and disconnects the call from the monitored station. Switch 1 receives the call and connects the call to the monitoring terminal. It appears that the Examiner relies on ANDRUSKA et al.'s monitoring terminal as corresponding to the recited third party device. With this interpretation in mind, ANDRUSKA et al. in no way discloses or suggests establishing a dummy session between a network server and the monitoring terminal, as would be required by ANDRUSKA et al. based on the Examiner's interpretation of claim 9.

Since ANDRUSKA et al. does not disclose or suggest establishing a dummy session between the network server and the third party device, ANDRUSKA et al. cannot disclose or suggest receiving, at the network server, a fourth message from the third party device, where the fourth message causes the network server to cancel the dummy session, as also recited in claim 9.

For at least the foregoing reasons, Applicants submit that claim 9 is not anticipated by ANDRUSKA et al. Accordingly, Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Claims 10 and 13-19 depend from claim 9. Therefore, these claims are not anticipated by ANDRUSKA et al. for at least the reasons given above with respect to claim 9. Accordingly, Applicants respectfully request that the rejection of claims 10 and 13-19 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn. Moreover, these claims are not anticipated by ANDRUSKA et al. for reasons of their own.

For example, claim 10 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 3. Therefore, Applicants submit that claim 10 is not anticipated by ANDRUSKA et al. for at least reasons similar to reasons given above with respect to claim 3.

Claim 13 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 1. Therefore, Applicants submit that claim 13 is not anticipated by ANDRUSKA et al. for at least reasons similar to reasons given above with respect to claim 1.

Independent claim 21 recites features similar to (yet possibly of different scope than) features described above with respect to claim 9. Therefore, Applicants submit that claim 21 is not anticipated by ANDRUSKA et al. for at least reasons similar to reasons given above with respect to claim 9. Accordingly, Applicants respectfully request that the rejection of claim 21 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Claims 22 and 25-28 depend from claim 21. Therefore, these claims are not anticipated by ANDRUSKA et al. for at least the reasons given above with respect to claim 21. Accordingly, Applicants respectfully request that the rejection of claims 22 and 25-28 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn. Moreover, these claims are not anticipated by ANDRUSKA et al. for reasons of their own.

For example, claim 22 recites a features similar to (yet possibly of different scope than) a feature described above with respect to claim 3. Therefore, Applicants submit that claim 22 is not anticipated by ANDRUSKA et al. for at least reasons similar to reasons given above with

respect to claim 3. Accordingly, Applicants respectfully request that the rejection of claim 22 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Claim 25 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 1. Therefore, Applicants submit that claim 25 is not anticipated by ANDRUSKA et al. for at least reasons similar to reasons given above with respect to claim 1. Accordingly, Applicants respectfully request that the rejection of claim 25 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Amended independent claims 29 and 34 recite features similar to (yet possibly of different scope than) features described above with respect to claims 1 and 3. Therefore, Applicants submit that claims 29 and 34 are not anticipated by ANDRUSKA et al. for at least reasons similar to reasons given above with respect to claims 1 and 3. Accordingly, Applicants respectfully request that the rejection of claims 29 and 34 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Claims 32 and 33 depend from claim 29. Therefore, these claims are not anticipated by ANDRUSKA et al. for at least the reasons given above with respect to claim 29. Accordingly, Applicants respectfully request that the rejection of claims 32 and 33 under 35 U.S.C. § 102(b) based on ANDRUSKA et al. be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) based on ANDRUSKA et al. and KWON

Claims 4, 5, 11, 12, 20, 23, 24, 31, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ANDRUSKA et al. in view of KWON. Applicants respectfully traverse.

Claims 4 and 5 depend from claim 3. While not acquiescing in the rejection of claim 4 and 5, Applicants submit that the disclosure of KWON does not remedy the deficiencies in the disclosure of ANDRUSKA et al. set forth above with respect to claim 3. Therefore, Applicants submit that claims 4 and 5 are patentable over ANDRUSKA et al. and KWON, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 3.

Claims 11, 12, and 20 depend from claim 9. While not acquiescing in the rejection of claims 11, 12, and 20, Applicants submit that the disclosure of KWON does not remedy the deficiencies in the disclosure of ANDRUSKA et al. set forth above with respect to claim 9. Therefore, Applicants submit that claims 11, 12, and 20 are patentable over ANDRUSKA et al. and KWON, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 9.

Claims 23 and 24 depend from claim 21. While not acquiescing in the rejection of claims 23 and 24, Applicants submit that the disclosure of KWON does not remedy the deficiencies in the disclosure of ANDRUSKA et al. set forth above with respect to claim 21. Therefore, Applicants submit that claims 23 and 24 are patentable over ANDRUSKA et al. and KWON, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 21.

Claim 31 depends from claim 29. While not acquiescing in the rejection of claim 31, Applicants submit that the disclosure of KWON does not remedy the deficiencies in the disclosure of ANDRUSKA et al. set forth above with respect to claim 29. Therefore, Applicants

submit that claim 31 is patentable over ANDRUSKA et al. and KWON, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 29.

Claims 35 and 36 depend from claim 34. While not acquiescing in the rejection of claim 35 and 36, Applicants submit that the disclosure of KWON does not remedy the deficiencies in the disclosure of ANDRUSKA et al. set forth above with respect to claim 34. Therefore, Applicants submit that claims 35 and 36 are patentable over ANDRUSKA et al. and KWON, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 34.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachment: Supplemental Declaration